

Question 1

Bill and Tom worked together as drivers for Ajax Armored Car Co. After Bill reported Tom to the company's management for violating a company policy, the company fired Tom. Angered that Bill had "snitched" on him, Tom decided to get even with Bill.

Tom bought a pistol, some ammunition, and a rubber mask to use as a disguise. Expecting that Bill would follow the same route and schedule that had been in effect before Tom was fired, Tom hid behind a newsstand near a bank where the armored car ordinarily picked up the bank's daily receipts. He intended to put on the mask and rob Bill at gunpoint as he emerged from the bank with the bags of money. As it turned out, the company had altered the pick-up schedule so that the armored car had come and gone by the time Tom arrived at the location.

Even more irate that he had missed this opportunity, Tom decided he would make a bomb, follow Bill's armored car, plant the bomb under the car at a time when Bill was inside the bank picking up money, and detonate the bomb from a remote location as soon as Bill reentered the car. Tom bought a book that contained instructions for making a bomb that would be powerful enough to completely destroy an armored car, purchased the necessary explosives and detonation materials, and began to assemble the bomb in the garage attached to the house where he rented a room from the owner, who also resided there. While he was assembling the bomb, Tom inadvertently ignited the materials, causing an explosion and fire that resulted in burning down the house and garage.

What crimes, if any, did Tom commit? Explain fully.

Question 2

Buyer manufactures mattresses, which feature an outer layer composed of a cotton material called "batting." Unexpectedly, Buyer's supply of batting ran out, which brought the entire production line to a halt at a time when Buyer was trying to fill a large, special order from Sleepco, one of his customers. Buyer's regular supplier of batting refused to deliver any more batting because Buyer was behind on his payments to the supplier.

On May 1, Buyer telephoned Cotton Co. and told Cotton Co. that he urgently needed a large bale of batting and that he was willing to pay "top dollar" if Cotton Co. would deliver the bale of batting by the end of the day.

On May 1, Cotton Co. delivered the bale of batting and told Buyer it would send him Cotton Co.'s invoice for \$5,000 later in the week. Buyer was upset because the price was about 30% higher than that charged by his regular supplier but, because of his urgent need, Buyer opened the bale and began using the batting to make mattresses.

On May 2, at a time when Buyer had used about 5% of the batting, Sleepco called and cancelled the order. This cancellation was such a major blow to Buyer's financial condition that he announced that he would immediately close his manufacturing plant.

On May 5, Cotton Co. learned that, in fact, Buyer had been insolvent for the past 60 days. On May 6, Cotton Co. demanded that Buyer either pay the invoice or return the unused part of the bale of batting immediately. Buyer refused, asserting that he and Cotton Co. had never entered into an enforceable contract, and informed Cotton Co. that he had sold the remaining batting to another mattress manufacturer.

1. Can Cotton Co. prevail in an action for breach of contract against Buyer? Explain fully.
2. Does Cotton Co. have the right to reclaim the unused batting? Explain fully.

Question 3

Roofer contracted with Hal to replace the roof on Hal's house. The usual practice among roofers was to place tarpaulins on the ground around the house to catch the nails and other materials that were scraped off during the removal of the old roof. On this occasion, Roofer did not have enough tarpaulins, and he failed to place one on the ground at the rear of Hal's house. As a result, many nails and old roofing material fell into the grass of Hal's back yard. At the end of the job, Roofer did his best to clean up the back yard but missed some of the nails that were imbedded in the grass.

About six months later, as Hal was mowing his back lawn, his lawnmower ran over one of the nails and propelled it over the fence into the back yard of Ned, his neighbor. A few days later, as Ned was walking barefoot in his back yard, he stepped on the nail, which pierced his foot, causing him severe injury.

In an action brought by Ned against Roofer for negligence, what defenses might Roofer reasonably assert, and what is the likely outcome on each? Explain fully.

Question 4

Sam decided he was ready to sell his classic sports car. On May 1 and in the following order, he telephoned Bob, Carla, Dan, and Edna, each of whom had earlier expressed interest in buying the car. He was unable to make actual contact with any of them, so he left the following message on each one's telephone answering machine: "I'm ready to sell my car, which I know you've expressed interest in. The price is \$10,000. My offer is good until the end of today, May 1. If you're still interested, call me back by the end of today so I'll know for sure."

Bob, Carla, and Dan each called back at a time when Sam was out running errands. They each left a message on Sam's telephone answering machine.

Bob's message said, "The price is pretty high, so I'll have to think about it."

Carla's message said, "I think the price is too high, but I'd be willing to pay you \$9,000."

Dan's message said, "OK, I'll pay your price but only if you'll let me take the car to my mechanic so he can check it out first."

Edna, rather than call Sam back, mailed Sam a letter on May 1 stating, "I got your message, and I accept your offer and will pay \$10,000."

On May 2, Sam died. Mark was appointed as executor for Sam's estate, and as such had all powers to deal with the estate property. Bob, Carla, Dan, and Edna each said to Mark, "I accepted Sam's offer on May 1, and, in any event, I will buy the car as is and for Sam's asking price." Mark tells them each that their so-called acceptances were not valid and that their power of acceptance has already terminated.

Is Mark correct? Explain fully.